

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.10363 of 1997

Between :

K.Bansilal s/o. K.Mohanlal

Aged about 23 years,

R/o.6-9, c/o.Mallesh Goud,

L.B.Nagar, Hyderabad. .. Petitioner

AND

1. The Assistant City Planner,

Circle No.5,

Municipal Corporation of Hyderabad,

Khairtabad,

Hyderabad.

2. The Deputy Municipal Commissioner,

Circle No.5,

Municipal Corporation of Hyderabad,

Khairtabad,

Hyderabad. .. Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of mandamus declaring the proposed action of the respondents to remove the Telephone booth of the petitioner near Rajdoot Hotel, Opposite to Bank of Baroda, Lakidikapool, Khairtabad, Hyderabad as arbitrary, illegal and without jurisdiction.

Counsel for the petitioner : Sri Koka Raghava Rao

Counsel for the respondents : Sri V.Madhava Reddy, Standing Counsel

for M.C.H.

The Court made the following :

ORDER:

This Writ Petition is filed for issuance of an order or direction more in the nature of mandamus declaring the proposed action of the respondents to remove the Telephone booth of the petitioner near Rajdoot Hotel, Opposite to Bank of Baroda, Lakidikapool, Khairtabad, Hyderabad as arbitrary, illegal and without jurisdiction and to pass

such other suitable orders.

The case of the petitioner is that he is a physically handicapped person and he submitted application to the 1st respondent for granting permission to install a public telephone booth under physically handicapped quota and also applied to traffic police for granting permission on 4-2-1995 and a joint inspection was conducted and permission was granted to install public telephone booth. It is also specifically stated that it will not cause any disturbance or obstruction to the traffic. The petitioner further stated that he had been granted licence by the General Manager, Telecom Department, Hyderabad. It is further stated that on 25-4-1995 the Assistant City Planner, Municipal Corporation of Hyderabad granted temporary permission for one year i.e., from 25-4-1995 to 24-4-1996 to install Telephone booth on the existing foot path at Lakidikapool, near C.I.D. Office Gate, Hyderabad. On 25-4-1997 the petitioner paid an amount of Rs.180/- towards fee for one year i.e., from 25-4-1996 to 24-4-1997. On 19-4-1997 the petitioner again applied for renewal and instead of renewing the licence the respondents visited the telephone booth on 2-5-1997 and orally directed the petitioner to shift the public telephone booth to any other place and threatened that the if the petitioner fails to do so they will remove the same as per Section 405 of Hyderabad Municipal Corporation Act 1955. Hence the Writ Petition.

This Court on 13-5-1997 granted interim direction. It is represented that on 19-4-1997 the petitioner made a representation to the respondents and the said representation was not disposed of.

In the facts and circumstances, the respondents are hereby directed to dispose of the representation of the petitioner dated 19-4-1997 within a period of four weeks from today and till disposal of the said representation and passing of appropriate orders in this regard the respondents are directed not to take any further action.

The Writ Petition is disposed of accordingly. No costs.

P.S.Narayana.,J

Date : 25-11-2004

AM

To

1. The Assistant City Planner,

Circle No.5,
Municipal Corporation of Hyderabad,
Khairtabad,
Hyderabad.

2. The Deputy Municipal Commissioner,
Circle No.5,
Municipal Corporation of Hyderabad,
Khairtabad,
Hyderabad.

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High Court of Andhra Pradesh,
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